

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

SHARN GREEN, a/k/a Shawn Green,)
Plaintiff,)
v.)
CCA/SOUTH CENTRAL CORRECTIONAL) Civil No. 1:10-0068
FACILITY, *et al.*,) Judge Trauger
Defendants.) Magistrate Judge Knowles

ORDER

On November 22, 2010, the Magistrate Judge issued a Report and Recommendation (Docket No. 36), to which the *pro se* plaintiff has filed objections (Docket No. 51). Because this was a ruling on a dispositive matter, pursuant to Rule 72(b), FED. R. CIV. P., and 28 U.S.C. § 636(b)(1)(C), this court must review *de novo* any portion of the Report and Recommendation to which a specific objection is made. *United States v. Curtis*, 237 F.3d 598, 603 (6th Cir. 2001); *Massey v. City of Ferndale*, 7 F.3d 506, 510 (6th Cir. 1993).

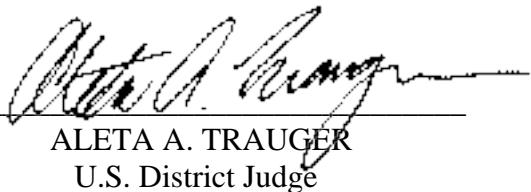
The plaintiff seems to be of the mistaken belief that dismissing the Tennessee Department of Correction as a defendant in this case also dismisses the commissioner of that department, Gayle Ray, as a defendant. That is not true. Commissioner Ray remains a party defendant in this case.

The Magistrate Judge's conclusion that the Tennessee Department of Correction is not a proper party to this action brought pursuant to 42 U.S.C. § 1983 is correct and will not be set aside. For the reasons expressed herein, the plaintiff's objections are **OVERRULED**. The Report and Recommendation (Docket No. 36) is **ACCEPTED** and made the findings of fact and

conclusions of law of this court. For the reasons expressed therein and herein, it is hereby
ORDERED that the Tennessee Department of Correction is **DISMISSED** as a party defendant
in this case.

It is so **ORDERED**.

ENTER this 8th day of December 2010.



ALETA A. TRAUGER
U.S. District Judge